

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNIQUE CRATING & SHIPPING CORP., et
al.,

Plaintiffs,

-against-

U.S. UNDERWRITERS INSURANCE
COMPANY,

Defendant
-----X

AMON, United States District Judge:

NOT FOR PUBLICATION
MEMORANDUM & ORDER
20-CV-4952 (CBA)(RM)

Plaintiffs Unique Crating & Shipping Corp., Pak Rite Express Inc., and Calmar Enterprises, Inc. brought this action for declaratory judgment concerning Defendant U.S. Underwriters Insurance Company’s duties under an insurance policy. (See ECF Docket Entry (“D.E.”) # 1.) Plaintiffs commenced this action on June 24, 2020 in the Supreme Court of the State of New York, Queens County. (See id. at 1.) Defendant removed the action to this Court on the basis of diversity jurisdiction. (See id. at 2.) On October 26, 2020, the Honorable Roanne L. Mann, United States Magistrate Judge, issued a thorough and well-reasoned Report and Recommendation, (D.E. # 6 (“R&R”)), recommending that the Court sua sponte remand the action back to state court because “the Notice of Removal provides an insufficient basis for concluding that the amount in controversy satisfies the jurisdictional threshold” for diversity jurisdiction. (R&R at 2.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only

satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the record and, finding no clear error, adopts the R&R. Accordingly, the Court sua sponte remands the instant action back to the Supreme Court of New York, Queens County for lack of jurisdiction. The Clerk of Court is respectfully directed to mail a certified copy of this order to the Clerk of Court for the Supreme Court of New York, Queens County.

SO ORDERED.

Dated: November 23, 2020
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
United States District Judge